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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David C. Ward et al.

Serial No. 07/130,070

Group Art Unit: 1807

Filed: December 8, 1987

Examiner: Ardin Marschel, Ph.D

For: **MODIFIED NUCLEOTIDES AND METHODS OF PREPARING
AND USING SAME**

Lieberman & Nowak
292 Madison Avenue
New York, New York 10017

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

TERMINAL (STATUTORY) DISCLAIMER

Yale University, a non-profit corporation organized under the laws of the State of Connecticut and having offices at 451 College Street, New Haven, Connecticut 06520, is the assignee of the entire interest in

- (1) the above-identified U.S. Application Serial No. 07/130,070, (hereinafter the subject application) for "Modified Nucleotides and Methods of Preparing and Using Same" that was filed on December 8, 1987 as a divisional of U.S. Application Serial No. 06/496,915, filed on May 23, 1983; and
- (2) U.S. Patent No. 4,711,955 that issued on December 8, 1987, for "Modified Nucleotides and Methods of Preparing and Using Same" based on U.S. Application Serial No. 06/496,915, that was filed on May 23, 1983 as a continuation of U.S. Application Serial No. 06/225,223, filed on April 17, 1981;

both by virtue of an assignment recorded with the United States Patent and Trademark Office on February 24, 1982 at Reel 3950, Frames 423-427, in connection with the aforementioned predecessor application, Serial No. 06/225,223 (filed on April 17, 1981). A copy of the recorded assignment is

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Page 2 (Terminal Disclaimer)

[REDACTED] As Exhibit A. As the assignee, Yale University, through the undersigned, has reviewed the evidentiary documents and certifies, to the best of its knowledge and belief, that title is in the assignee seeking to take action.

Yale University hereby disclaims the terminal part of any patent granted on the subject application, which would extend beyond the expiration date of U.S. Patent No. 4, 711, 955, issued on December 8, 1987, also assigned to and owned by Yale University, as described above and supported by attached Exhibit A. Yale University hereby agrees that any patent so granted on the subject application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 4,711,955, this agreement to run with any patent granted on the subject application and to be binding upon the grantee, its successor or assigns.

Attached to this paper is a completed, signed certificate Under 37 C.F.R. §3.73(b) as set forth in the Federal Register on July 6, 1992 (Vol. 52, No. 129, 29634-29648), and in the Official Gazette on July 28, 1992.

A fee of \$110.00 is required under 37 C.F.R. §1.20 ("Post issuance fees") in connection with the filing of this Terminal (Statutory) Disclaimer. The Patent Office is hereby authorized to charge Deposit Account 05-1135 for the requisite fee of \$110.00 (and any additional fees hereof) and to credit any overpayment thereto.

YALE UNIVERSITY

Signed at New Haven, Connecticut
this 1st day of October, 1993

By

Dorothy K. Robinson

Dorothy K. Robinson, Esq.
General Counsel and duly
authorized to sign on behalf of
Yale University

* * * * *

EXHIBIT B SPRME AS PHRSE # 44